

The Honorable Ricardo. S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER P. SCHWEICKERT,

Plaintiff,

v.

HUNTS POINT VENTURES, INC.; HUNTS
POINT VENTURE GROUP, LLC; CHAD and
ELIZABETH RUDKIN, and their marital
community comprised thereof; JOHN DU
WORS, and DOES 1-4,

Defendants.

No. 13-CV-675

DEFENDANTS HUNTS POINT
VENTURES, INC., AND HUNTS POINT
VENTURE GROUP, LLC'S ANSWER
AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT

HUNTS POINT VENTURES, INC. and HUNTS POINT VENTURE GROUP, LLC
(collectively "Defendants"), by and through their undersigned counsel, provide the following
Answer and Affirmative Defenses to Plaintiff JENNIFER P. SCHWEICKERT's First Amended
Complaint (the "Complaint") as follows:

INTRODUCTION

In response to that portion of the Complaint entitled "Introduction," Defendants answer
that it is a summary of Plaintiff's claims and no response is required.

THE PARTIES

In response to that portion of the Complaint entitled "the Parties," Defendants answer as
follows:

DEFENDANTS HUNTS POINT VENTURES, INC.,
AND HUNTS POINT VENTURE GROUP, LLC'S
ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S FIRST AMENDED COMPLAINT - 1

Case No. 13-CV-675

FOSTER PEPPER PLLC
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SEATTLE, WASHINGTON 98101-3299
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1 1. Defendants ADMIT that Plaintiff is an individual, but Defendants have
2 insufficient information to form a belief as to the remaining allegation in Paragraph 1 and
3 therefore DENY the allegation.

4 2. Defendants ADMIT that they are entities set up under the laws of Washington
5 State, residing in King County, but Defendants have insufficient information to form a belief as
6 to the remaining allegations in Paragraph 2 and therefore DENY the allegations.

7 3. Defendants have insufficient information to form a belief as to the allegations in
8 Paragraph 3 and therefore DENY the allegations.

9 4. Defendants have insufficient information to form a belief as to the allegations in
10 Paragraph 4 and therefore DENY the allegations.

11 5. Defendants have insufficient information to form a belief as to the allegations in
12 Paragraph 5 and therefore DENY the allegations.

13 **JURISDICTION AND VENUE**

14 6. Defendants have insufficient information to form a belief as to the allegations in
15 Paragraph 6 and therefore DENY the allegations.

16 7. Defendants have insufficient information to form a belief as to the allegations in
17 Paragraph 7 and therefore DENY the allegations.

18 8. Defendants have insufficient information to form a belief as to the allegations in
19 Paragraph 8 and therefore DENY the allegations.

20 **FACTUAL ALLEGATIONS**
21 **HPV Formation**

22 9. Defendants have insufficient information to form a belief as to the allegations in
23 Paragraph 9 and therefore DENY the allegations.

24 10. Defendants have insufficient information to form a belief as to the allegations in
25 Paragraph 10 and therefore DENY the allegations.

26 11. Defendants DENY the allegation in paragraph 11.

1 12. Defendants ADMIT that Hunts Point Ventures, Inc., is organized as a Washington
2 corporation, but Defendants have insufficient information to form a belief as to the remaining
3 allegations in Paragraph 12 and therefore DENY the allegations.

4 13. Defendants have insufficient information to form a belief as to the allegations in
5 Paragraph 13 and therefore DENY the allegations.

6 14. Defendants have insufficient information to form a belief as to the allegations in
7 Paragraph 14 and therefore DENY the allegations.

8 **Plaintiff makes a loan to HPV**

9 15. Defendants have insufficient information to form a belief as to the allegations in
10 Paragraph 15 and therefore DENY the allegations.

11 16. Defendants have insufficient information to form a belief as to the allegations in
12 Paragraph 16 and therefore DENY the allegations.

13 17. Defendants have insufficient information to form a belief as to the allegations in
14 Paragraph 17 and therefore DENY the allegations

15 18. Defendants have insufficient information to form a belief as to the allegations in
16 Paragraph 18 and therefore DENY the allegations

17 19. Defendants DENY the allegations in the first sentence of Paragraph 19. As to any
18 remaining allegations contained in the paragraph, Defendants have insufficient information to
19 form a belief as to those allegations and therefore DENY such allegations.

20 20. Defendants have insufficient information to form a belief as to the allegations in
21 Paragraph 20 and therefore DENY the allegations.

22 21. Defendants have insufficient information to form a belief as to the allegations in
23 Paragraph 21 and therefore DENY the allegations.

24 22. Defendants have insufficient information to form a belief as to the allegations in
25 Paragraph 22 and therefore DENY the allegations.

23. Defendants have insufficient information to form a belief as to the allegations in Paragraph 23 and therefore DENY the allegations.

24. Defendants have insufficient information to form a belief as to the allegations in Paragraph 24 and therefore DENY the allegations.

25. Defendants have insufficient information to form a belief as to the allegations in Paragraph 25 and therefore DENY the allegations.

26. Defendants have insufficient information to form a belief as to the allegations in Paragraph 26 and therefore DENY the allegations.

27. Defendants DENY the allegations in the first sentence of Paragraph 27. As to any remaining allegations contained in the paragraph, Defendants have insufficient information to form a belief as to those allegations and therefore DENY such allegations.

28. Defendants have insufficient information to form a belief as to the allegations in Paragraph 28 and therefore DENY the allegations.

HPV Breaches the Agreement

29. Defendants have insufficient information to form a belief as to the allegations in Paragraph 29 and therefore DENY the allegations.

30. Defendants have insufficient information to form a belief as to the allegations in Paragraph 30 and therefore DENY the allegations.

31. Defendants have insufficient information to form a belief as to the allegations in Paragraph 31 and therefore DENY the allegations.

32. Defendants ADMIT that Hunts Point Venture Group, LLC, is an entity organized under the laws of the State of Washington but have insufficient information to form a belief as to the remaining allegations in Paragraph 32 and therefore DENY the allegations.

33. Defendants have insufficient information to form a belief as to the allegations in Paragraph 33 and therefore DENY the allegations.

34. Defendants have insufficient information to form a belief as to the allegations in Paragraph 34 and therefore DENY the allegations.

35. Defendants have insufficient information to form a belief as to the allegations in Paragraph 35 and therefore DENY the allegations.

36. Defendants have insufficient information to form a belief as to the allegations in Paragraph 36 and therefore DENY the allegations.

37. Defendants answer that Paragraph 37 states a legal conclusion and does not require a response.

**First Cause of Action
Breach of Contract
(Against Defendants HPV and the Rudkins)**

38. Paragraph 38 incorporates previous paragraphs, and no response is required.

39. Defendants DENY the allegations in Paragraph 39.

40. Defendants answer that Defendant Chad Rudkin is the sole shareholder of Hunts Point Ventures, Inc.

41. Defendants DENY the allegations in Paragraph 41.

42. Defendants DENY the allegations in Paragraph 42.

43. Defendants DENY the allegations in Paragraph 43.

44. Defendants DENY the allegations in Paragraph 44.

**Second Cause of Action
Fraud
(Against Defendants the Rudkins and John and Amber Du Wors)**

45. Paragraph 45 incorporates previous paragraphs, and no response is required.

46. Defendants have insufficient information to form a belief as to the allegations in Paragraph 46 and therefore DENY the allegations.

47. Defendants have insufficient information to form a belief as to the allegations in Paragraph 47 and therefore DENY the allegations.

1 48. Defendants have insufficient information to form a belief as to the allegations in
2 Paragraph 48 and therefore DENY the allegations.

3 49. Defendants have insufficient information to form a belief as to the allegations in
4 Paragraph 49 and therefore DENY the allegations.

5 50. Defendants have insufficient information to form a belief as to the allegations in
6 Paragraph 50 and therefore DENY the allegations.

7 51. Defendants have insufficient information to form a belief as to the allegations in
8 Paragraph 51 and therefore DENY the allegations.

9 52. Defendants have insufficient information to form a belief as to the allegations in
10 Paragraph 52 and therefore DENY the allegations.

11 **Third Cause of Action**
12 **Conspiracy**
13 **(Against Defendants the Rudkins and Mr. Du Wors)**

14 53. Paragraph 53 incorporates previous paragraphs, and no response is required.

15 54. Defendants have insufficient information to form a belief as to the allegations in
16 Paragraph 54 and therefore DENY the allegations.

17 55. Defendants have insufficient information to form a belief as to the allegations in
18 Paragraph 55 and therefore DENY the allegations.

19 56. Defendants have insufficient information to form a belief as to the allegations in
20 Paragraph 56 and therefore DENY the allegations.

21 57. Defendants have insufficient information to form a belief as to the allegations in
22 Paragraph 57 and therefore DENY the allegations.

23 58. Defendants have insufficient information to form a belief as to the allegations in
24 Paragraph 58 and therefore DENY the allegations.

25 59. Defendants have insufficient information to form a belief as to the allegations in
26 Paragraph 59 and therefore DENY the allegations.

60. Defendants have insufficient information to form a belief as to the allegations in Paragraph 60 and therefore DENY the allegations.

61. Defendants have insufficient information to form a belief as to the allegations in Paragraph 61 and therefore DENY the allegations.

62. Defendants have insufficient information to form a belief as to the allegations in Paragraph 62 and therefore DENY the allegations.

63. Defendants have insufficient information to form a belief as to the allegations in Paragraph 63 and therefore DENY the allegations.

**Fourth Cause of Action
Negligent Misrepresentation
(Against Defendant John Du Wors)**

64. Paragraph 64 incorporates previous paragraphs, and no response is required.

65. Defendants have insufficient information to form a belief as to the allegations in Paragraph 65 and therefore DENY the allegations.

66. Defendants have insufficient information to form a belief as to the allegations in Paragraph 66 and therefore DENY the allegations.

67. Defendants have insufficient information to form a belief as to the allegations in Paragraph 67 and therefore DENY the allegations.

68. Defendants have insufficient information to form a belief as to the allegations in Paragraph 68 and therefore DENY the allegations.

69. Defendants have insufficient information to form a belief as to the allegations in Paragraph 69 and therefore DENY the allegations.

70. Defendants have insufficient information to form a belief as to the allegations in Paragraph 70 and therefore DENY the allegations.

PRAYER FOR RELIEF

No response is required to that portion of the Complaint entitled "Prayer for Relief."

AFFIRMATIVE DEFENSES

71. Plaintiff's complaint fails to state a claim on which relief can be granted.

72. Plaintiff's claims are barred by estoppel.

73. Plaintiff's claims are barred by waiver.

74. Plaintiff's claims are barred by laches.

75. Plaintiff's claims are barred because they were filed after the applicable statute of limitations expired.

76. To the extent Plaintiffs' complaint seeks equitable relief, Plaintiff's unclean hands bar such relief.

77. To the extent Plaintiff's complaint seeks equitable relief, Plaintiff's claims are barred because there is an adequate remedy at law.

78. To the extent Plaintiff's complaint seeks equitable relief, Plaintiff's claims are barred because there is no irreparable harm to Plaintiffs.

79. Plaintiff's complaint fails to name an indispensable party.

80. To the extent Plaintiff has damages, Plaintiff's damages were caused by one or more third parties.

81. To the extent Plaintiff's have damages, Plaintiffs failed to mitigate those damages.

82. Defendants reserve the right to add additional affirmative defenses.

1 DATED this 6th day of August, 2013.

2 FOSTER PEPPER PLLC

3
4 s/s Joel B. Ard

5 Joel B. Ard, WSBA No. 40104
6 *Attorneys for Defendants*
7 *Hunts Point Ventures Inc.'s and*
8 *Hunts Point Venture Group, LLC*

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DEFENDANTS HUNTS POINT VENTURES, INC.,
AND HUNTS POINT VENTURE GROUP, LLC'S
ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S FIRST AMENDED COMPLAINT - 9
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CERTIFICATE OF SERVICE

I, Joel B. Ard, state that I am a citizen of the United States of America and a resident of the State of Washington, I am over the age of twenty one years, I am not a party to this action, and I am competent to be a witness herein. I electronically filed the above Answer and Affirmative Defenses to Plaintiff's Complaint with the Clerk of the Court using the CM/ECF System, who will electronically send notification of such filing to the following parties who have appeared in this action as of today's date:

- **Reed Yurchak** – yurchaklaw@gmail.com
- **A. Janay Ferguson** – ajf@leesmart.com
- **Sam Breazeale Franklin** – sbf@leesmart.com

There are no other parties who have appeared in this action as of today's date that need to be served manually.

I DECLARE under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 6th day of August, 2013.

/s/ Joel B. Ard
Joel B. Ard

CERTIFICATE OF SERVICE
Case No. 13-CV-675

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